

Education (Ireland) Bill.

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B I L L

TO

Make further provision with respect to Education in Ireland, and for other purposes connected therewith. A.D. 1919.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

DEPARTMENT OF EDUCATION FOR IRELAND.

1.—(1) There shall be established a Department of Education for Ireland charged with the administration of matters relating to education in Ireland in accordance with the provisions of this Act. Establishment of Department of Education for Ireland.

(2) The Department shall consist of the Chief Secretary, who shall be President thereof, the Vice-President of the Department of Agriculture and Technical Instruction for Ireland, who shall be Vice-President thereof, and one other member appointed by the Lord Lieutenant (in this Act referred to as the "permanent member").

(3) The Department shall be deemed to be established on the first appointment of the permanent member thereof.

2.—(1) There shall be transferred to the Department of Education for Ireland (in this Act referred to as the Department):— Transfer of powers and duties to the Department.

(a) all the powers and duties of the Commissioners of National Education in Ireland, whether conferred or imposed by statute, charter, or otherwise;

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(b) all the powers and duties of the Intermediate Education Board for Ireland;

(c) all the powers and duties of the Department of Agriculture and Technical Instruction for Ireland in relation to technical instruction, science and art and the geological survey;

(d) all the powers and duties of the Lord Lieutenant and of the Treasury under sections ten and eleven of the National School Teachers' (Ireland) Act 1879;

42 & 43 Vict.
c. 74.

(2) It shall be lawful for the Lord Lieutenant from time to time by Order in Council to transfer to the Department any other powers and duties in Ireland of any Government Department as respects education or matters affecting or incidental to education.

Religious
instruction.

3. In the execution of their powers and duties the Department shall ensure that the principles and practice, which at the time of the passing of this Act govern religious instruction in national schools in receipt of grants from the Commissioners of National Education in Ireland, are adhered to after the passing of this Act in national schools in receipt of grants from the Department.

Board of
Education

4.—(1) For the purpose of advising the Department on educational matters there shall be established an advisory Board of Education, and the Department shall take into consideration any advice or representation submitted to them by that Board.

(2) The Board of Education shall consist of the following members, namely:—

(a) The President, Vice-President and the permanent member who shall be ex-officio members thereof; 30

(b) sixteen persons appointed by county councils and county borough councils (in this Act referred to as local representatives);

(c) six managers or patrons of national schools appointed by such associations of managers or patrons of national schools or such religious or other bodies as may be determined by the Lord Lieutenant; 35

(d) three national school teachers (of whom one at least shall be a woman) appointed by such organisations of national school teachers as may be determined by the Lord Lieutenant; 40

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(e) five managers or teachers of secondary schools (of whom one at least shall be a woman and two at least shall be assistant teachers) appointed by such organisations of headmasters or teachers of secondary schools in Ireland as may be determined by the Lord Lieutenant;

(f) two teachers of technical schools appointed by such organisations of persons interested in technical instruction as may be determined by the Lord Lieutenant; and

(g) sixteen persons appointed by the Department with the approval of the Lord Lieutenant.

(3) Of the local representatives—

(a) one shall be appointed by the council of each county borough;

(b) two shall be appointed for each province by the councils of the counties in the province acting through a joint committee which shall consist of one member chosen by the council of each county in the province out of their body; and

(c) one shall be appointed in the interests of technical instruction by the council of each of the county boroughs of Dublin and Belfast.

(4) The Lord Lieutenant may provide for all or any of the members who are to be appointed by any such organisation as aforesaid being appointed by direct election or otherwise as he thinks fit instead of by such organisation if at any time it appears to him that such other method of appointment is necessary owing to the absence of an organisation representing the class to be represented or any substantial section of that class.

(5) The Department in exercising their power of appointing members shall have regard to the desirability of maintaining on the Board the like denominational balance as was directed to be maintained in the case of the Commissioners of National Education in Ireland by the charter incorporating those Commissioners dated the eleventh day of March eighteen hundred and sixty-one.

(6) Subject to the provisions of this subsection, the term of office of a member of the Board shall be three years, and in the year nineteen hundred and twenty-three and every third

A.D. 1919. year thereafter, on such day in the month of July as may be fixed by the Department, all the appointed members shall go out of office and their places shall be filled by new appointments, but a person going out of office, if otherwise qualified, may be reappointed.

A casual vacancy occurring by reason of death, resignation or otherwise shall be filled by a person appointed by the body or authority by whom the vacating member was appointed, and the person so appointed shall hold office until the time when the vacating member would have regularly gone out of office and shall then go out of office but may be reappointed if otherwise qualified.

(7) The President or, in his absence, the Vice-President, or, in the absence of both, the permanent member may take the chair at any meeting of the Board, but shall not vote at any such meeting.

(8) The Department may require any of their own officers to act as secretaries or other officers of the Board, and the time and method of appointing members and the meetings, quorum and procedure of the Board and of any committee thereof shall be regulated by rules made by the Department.

Staff of the
Department
and their
remunera-
tion.

5.—(1) The Department may appoint such secretaries, officers and servants as the Department may, subject to the consent of the Treasury as to number, determine.

(2) *There shall be paid out of moneys provided by Parliament to the permanent member of the Department and to the secretaries, officers and servants of the Department such salaries or remuneration as the Treasury may from time to time determine.*

(3) *Subject to the provisions of this Act, the expenses of the Department (including payments to examiners and to members of the Board of Education and committees thereof), to such an amount as may be sanctioned by the Treasury, shall be paid out of moneys provided by Parliament :*

Provided that no payments shall be made to members of the Board of Education or committees thereof other than the repayment of travelling expenses and payment of subsistence allowance.

(4) There shall be transferred and attached to the Department the existing officers of the Commissioners of National

Education in Ireland and the Intermediate Education Board for Ireland (including the assistant commissioners) and such of the persons employed under either of the said departments or any other Government department in or about the execution of the powers and duties transferred by or under this Act to the Department as the Department and the other Government department concerned may, with the sanction of the Treasury, determine.

For the purposes of the Superannuation Acts, 1834 to 1914, the service of any existing officer of the Intermediate Education Board for Ireland (including the assistant commissioners) who is so transferred to the Department shall be reckoned as if his service under that Board (so far as such service could have been reckoned for superannuation purposes if this Act had not passed) had been service in the permanent civil service of the Crown.

(5) The Department may from time to time distribute the business of the Department amongst the several persons transferred or attached thereto in pursuance of this Act in such manner as the Department may think right, and those persons shall perform such duties in relation to that business as may be directed by the Department:

Provided that such persons shall be in no worse position as respects duties, tenure of office, terms of employment, salary, or superannuation allowance than they would have been in if this Act had not passed, and that if any question arises as to the position of any such person the question shall, if such person so requires, be referred to the Lord Lieutenant, and be determined in such manner as the Lord Lieutenant may with the concurrence of the Treasury direct.

6.—(1) The Department shall be a body corporate with a capacity to acquire and hold land, and shall be styled the "Department of Education for Ireland," and may sue and be sued by that name.

Seal, style and proceedings of Department.

(2) The Department shall have an official seal which shall be officially and judicially noticed and shall be authenticated by the signature of a member or secretary of the Department or some person authorised by the Department to act on their behalf.

(3) Every document purporting to be an Order or other instrument issued by the Department and to be sealed with the seal of the Department authenticated in manner aforesaid, or

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purporting to be signed by a member or secretary of the Department or some person authorised as aforesaid shall be received in evidence and be deemed to be such Order or instrument without further proof, unless the contrary is shown.

(4) A certificate signed by a member of the Department, or by any person authorised as aforesaid, that any Order or other instrument purporting to be made or issued by the Department is so made or issued shall be conclusive evidence of the fact so certified.

31 & 32 Vict.
c. 37.
45 & 46 Vict.
c. 9.

(5) The Documentary Evidence Act, 1868, as amended by the Documentary Evidence Act, 1882, shall apply to the Department in like manner as if the Department were mentioned, in the first column of the Schedule to the first-mentioned Act and a member or secretary of the Department, or any person authorised by the Department to act on their behalf, were mentioned in the second column of that Schedule, and as if the regulations referred to in those Acts included any document issued by the Department.

Amendment
of enact-
ments rela-
tive to inter-
mediate
education.

7.—(1) Any powers of the Intermediate Education Board for Ireland which under any enactment are exercisable with the consent or approval of the Lord Lieutenant shall be exercisable by the Department without any such consent or approval.

(2) The provisions of any enactment requiring rules of the said Board to be laid before Parliament shall not apply to rules made by the Department.

41 & 42 Vict.
c. 66.
53 & 54 Vict.
c. 60.

(3) So much of section five of the Intermediate Education (Ireland) Act, 1878, and section three of the Local Taxation (Customs and Excise) Act, 1890, as require that fees payable to managers of schools shall be dependent on the results of public examinations of students shall cease to have effect.

(4) Any payments by the Department for the purposes of secondary education shall be subject to the restrictions contained in section seven and the proviso to sub-section (4) of section five of the Intermediate Education (Ireland) Act, 1878.

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PART II.

LOCAL ADMINISTRATION.

Local
education
committees.

8.—(1) A local education committee shall be established for each county and for each county borough.

(2) The local education committee of a county shall consist of—

(a) a number of persons appointed by the council of the county equal to one-third of the total number of elected members of the council or the nearest integer thereto;

(b) one person appointed by the council of each urban and rural district in the county; and

(c) a number of persons appointed by the Department equal to the aggregate of the number of persons appointed by the county council and the councils of the urban and rural districts.

(3) The local education committee of a county borough shall consist of—

(a) a number of persons appointed by the council of the county borough equal to one-third of the total number of members of the council or the nearest integer thereto; and

(b) an equivalent number of persons appointed by the Department.

(4) The Department, in exercising their power of appointing members of a local education committee of a county or county borough, shall endeavour to secure that at least one-half of the total number of members of the committee shall be persons who are managers or patrons of national schools situated in the county or county borough, or managers, patrons, or head masters of secondary or technical schools so situated.

(5) The provisions of Part I. of this Act with respect to term of office, times of coming into office and going out of office, and casual vacancies, shall apply to a local education committee and the members thereof in like manner as they apply to the Board of Education and the members thereof.

(6) A local education committee may from time to time appoint such and so many sub-committees, either of a general or special nature, and consisting of such number of persons as they think fit, for any purposes which, in the opinion of the committee, would be better regulated and managed by means of such sub-committee.

(7) Subject to the approval of the Department, a local education committee may appoint a secretary and such other

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officers as they think necessary for the performance of the duties of the committee, and every officer so appointed shall perform such duties and be paid such remuneration as the committee may with the approval of the Department assign to him.

(8) The enactments relating to the superannuation of officers of boards of guardians shall, with the necessary modifications, apply to officers of a local education committee.

Transfer of powers and duties to local education committees.

9.—(1) There shall be transferred to the local education committee of a county borough the powers and duties of the 10 council of the county borough—

- (a) in relation to technical instruction;
- (b) under the Education (Provision of Meals) (Ireland) Acts, 1914 to 1917;
- (c) under section ten of the Irish Universities Act, 1908. 15

8 Edw. 7.
c. 38.

(2) There shall be transferred to the local education committee of every county the powers and duties of the council of the county and of the council of each urban or rural district in the county in relation to any of the matters or under any of the enactments aforesaid. 20

(3) Expenses incurred by a local education committee in the exercise or performance of any of the powers and duties transferred to them under this section shall be defrayed as part of their expenses under this Act.

(4) *The Education (Provision of Meals) (Ireland) Acts, 1914 to 1917, shall have effect as if any reference therein to a national school included a reference to any school recognised by the Department as providing efficient elementary education.*

(5) This section shall apply to any existing committee appointed by a council in relation to any of the matters or 30 under any of the enactments aforesaid, and (so far as respects powers and duties to be exercised and performed within the county or county borough) to any existing joint committee so appointed, in like manner as it applies to the council.

Provision, enlargement and structural improvement of national schools.

10.—(1) Where an application is made to the Department 35 for assistance in providing a new national school in any locality, the Department, after holding such public or other inquiries, or making such other investigations as appear to them to be requisite, may contribute towards the cost of providing the school such

sum, not exceeding two-thirds of the building expenses, upon such terms and conditions as they think proper. A.D. 1919.

(2) Where the Department determine to contribute two-thirds of the building expenses, if, as a result of such inquiries or investigations as aforesaid, they are satisfied that there is a serious deficiency of school accommodation in the locality, they may (when the applicant so desires) require the local education committee of the county or county borough in which the school is to be provided to contribute the remaining one-third of the building expenses, and also, in any case where they are satisfied that, owing to the circumstances of the locality, the site or the costs and expenses of acquiring the site cannot be provided by gift or private donations or subscriptions, to contribute in addition the amount of such costs and expenses or so much thereof as cannot in their opinion be so provided.

(3) Every school provided by means of a contribution under this section shall be vested in the prescribed manner:—

(a) where the local education committee contribute the whole or any part of the costs and expenses of acquiring the site as well as one-third of the building expenses, in the council of the county or county borough in trust for the committee; and

(b) in any other case, in trustees to be appointed by the applicant with the approval of the Department.

(4) In this section the expression "building expenses" includes the cost of providing suitable fittings and furniture.

(5) This section shall apply to the enlargement or structural improvement of a national school in like manner as it applies to the provision of a new national school.

11.—(1) If the principal teacher of a national school in a county or county borough lives in a residence which has been provided by means of a statutory loan, whether made before or after the passing of this Act, it shall be the duty of the local education committee of the county or county borough to keep the residence in repair, and to contribute one moiety, or in the case of loans made after the passing of this Act, one-third part of the rentcharge or annual sum payable in respect of the loan, so long as the residence is actually used as the residence of the principal teacher of the school: Provided that this subsection shall

National
school
teachers'
residences.

A.D. 1919. — not apply to a school teacher's residence unless and until the residence is vested in the persons in whom the school is vested, if the school is a vested school, or in trustees appointed by the patron if the school is a non-vested school, in such manner and subject to such conditions in either case as may be prescribed by the Department, including conditions for securing that the premises will be used for school purposes only.

(2) If the principal teacher does not live in a residence so provided, it shall be the duty of the local education committee to contribute towards any allowance in lieu of residence that may be granted to him by the Department, such sum not exceeding one-third of the allowance as may be fixed by the Department: Provided that the annual allowance so granted shall not exceed thirty pounds if the school is situated in an urban district having a population of twenty thousand persons or upwards or in a county borough or twenty pounds if it is situated elsewhere.

38 & 39 Vict.
c. 82. (3) For the purposes of this section the expression "statutory loan" means a loan made under the National School Teachers' Residences (Ireland) Act, 1875, as amended by any subsequent enactment, and premises erected, enlarged, structurally improved, or purchased by means of a statutory loan shall be deemed to have been provided by those means.

(4) So much of section two of the National School Teachers' Residences (Ireland) Act, 1875, as limits the amount of a loan to two hundred and fifty pounds shall cease to have effect.

(5) This section shall not apply in the case of principal teachers of model schools or convent or monastery national schools.

Mainten-
ance,
cleansing,
heating, &c.,
of national
schools.

12. It shall be the duty of the local education committee of a county or county borough to make provision for maintaining, repairing, cleansing, heating, furnishing, and equipping the national schools in the county or county borough other than model schools to such extent and upon such terms and conditions as may be prescribed by the Department.

Compulsory
school
attendance.
55 & 56 Vict.
c. 42.

13.—(1) The Irish Education Act, 1892, shall apply throughout Ireland, and so much of that Act as limits its application shall cease to have effect.

(2) The local education committee for each county or county borough shall, as respects the whole county or county borough, have all the powers and duties of a local authority and of a

school attendance committee under the said Act, and the powers and duties of every existing school attendance committee whose area consists of or is included in the county or county borough shall be transferred to the local education committee of the county or county borough.

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(3) The Department may by order prescribe the number of days in each year on which a child is to be required to attend school for the purposes of section one of the said Act, and the provisions of such order shall have effect in substitution for the provisions of the First Schedule to the said Act.

(4) In subsection (2) of section one and in section two of the said Act "thirteen years" shall be substituted for "eleven years," and so much of the last-mentioned section as permits the employment of children attending school in accordance with the Factory and Workshop Act, 1901, shall cease to have effect except as respects children who are lawfully employed on the appointed day.

1 Edw. 7.
c. 22.

(5) Where a local education committee provide or assist in providing means of conveying a child to and from a national school or other efficient school at which the child can attend and to which the parent of the child does not object on religious grounds to send the child, the fact that the school is distant more than two miles from the residence of the child, measured according to the nearest road, shall not be a reasonable excuse for the non-attendance of the child at school or authorise the employment of the child under paragraph (1) of section five of the said Act.

(6) The following paragraph shall be substituted for paragraph (b) of subsection (3) of section one of the said Act:—

"(b) That the child has been prevented from attending school by sickness, or other reasonable cause."

(7) "Five pounds" shall be substituted for "forty shillings" in sections two and six, and "forty shillings" shall be substituted for "five shillings" in section four of the said Act as the amount of the maximum fine that may be imposed under those sections respectively.

(8) Subsection (3) of section four of the said Act shall cease to have effect.

(9) Expenses incurred by a local education committee in the execution of their powers and duties under the said Act shall be defrayed as part of their expenses under this Act, and

A.D. 1919. — all penalties recovered under the said Act shall, notwithstanding anything in any Act to the contrary, be paid to the local education committee and applied in aid of their expenses under this Act.

Powers of
local educa-
tion com-
mittees.

14.—(1) For the purpose of promoting education a local education committee, in addition to their other powers, shall have power--

- (a) to provide or assist in providing books and school requisites for national schools in their area;
- (b) to provide or assist in providing means of conveyance for children attending national schools in their area, where such provision appears necessary;
- (c) to enable or assist in enabling afflicted children ordinarily resident in their area to obtain elementary education and industrial training in suitable schools recognised by the Department;
- (d) to enable or assist in enabling children or young persons ordinarily resident in their area who appear to be specially qualified to profit thereby to attend secondary schools or universities or other places of higher education approved by the Department, by payment of travelling expenses, fees, or cost of residence, or by provision of exhibitions, bursaries, scholarships, or maintenance allowances or by a combination of these methods of assistance or otherwise;
- (e) to assist in the establishment and maintenance of evening continuation schools;
- (f) to provide plots of land for the purpose of horticultural instruction in connection with national schools in their area.

(2) The powers given to a local education committee under this section shall be exercised in such manner as may be approved by the Department.

Expenses
and financial
schemes of
local educa-
tion com-
mittees.

15.—(1) The money required to meet the expenses of a local education committee of a county or county borough shall, so far as not otherwise provided for, be supplied by the council of the county or county borough on the demand of the committee, and shall be raised by means of the poor rate but as a separate item thereof.

(2) The demand shall be in the prescribed form and contain the prescribed particulars, and in the case of the council of a

county the amount demanded shall be paid out of the county fund. A.D. 1919.

(3) Each local education committee shall, on or before the prescribed date in each local financial year, submit to the Department a financial scheme in the prescribed form showing the amount of the estimated expenses and receipts of the committee during the next ensuing local financial year, and the Department may approve of the estimate in whole or in part, and with or without modifications, and it shall be the duty of the committee to carry out the scheme as so approved.

(4) The Department, when signifying their approval of a financial scheme, shall state the sums (if any) which they propose to pay in aid of the expenses of the committee, and the demand on the council of the county or county borough shall be framed in accordance with the approved financial scheme and shall be sent to the council on or before the prescribed date.

(5) The sum to be included in the demand in respect of expenses for the purposes of technical instruction shall be such sum as may be determined by the Department after consultation with the local education committee, not exceeding in any year the amount that would be raised by a rate of threepence in the pound over the county or county borough.

(6) Any sums included in a demand on a council of a county in respect of expenses in an urban district under the Education (Provision of Meals) (Ireland) Acts, 1914 to 1917, shall be raised as an urban charge over the urban district.

Any other expenses included in such demand shall be raised as a county at large charge.

(7) The council of a county or county borough may borrow money for the purposes of this section, and Article 22 of the Schedule to the Local Government (Application of Enactments) Order, 1898, shall apply accordingly.

(8) If any question arises as to the validity of a demand under this section or as to any of the items or particulars therein, the question shall be determined by the Department after consultation with the Local Government Board, and the demand shall, if necessary, be amended so as to give effect to the determination, and such determination shall be final and conclusive.

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(9) Any money not expended by a local education committee in any financial year upon the purposes for which it was supplied shall be invested and accumulated or otherwise dealt with as may be directed by the Department, and, subject thereto, may be expended together with any accumulations for the like purposes in any subsequent year.

Secondary
education
rate.

16.—(1) For the purpose of promoting secondary education in Ireland, an annual rate shall be raised over each county and county borough (in this Act referred to as "the secondary education rate").

(2) The secondary education rate shall be raised as part of the poor rate, but as a separate item thereof, and in the case of a county shall be raised as a county at large charge.

(3) In each of the first three local financial years after the commencement of this Act the secondary education rate shall be a rate of one penny in the pound, and in each subsequent local financial year it shall be a rate of such amount, not exceeding threepence in the pound, as may be determined by the Department after consultation with the Board of Education.

(4) The proceeds of the secondary education rate in each county and county borough shall be paid to the Department by the council of the county or county borough at the prescribed times and in the prescribed manner, and shall be applied by the Department for the purposes of secondary education in the manner provided by this Act.

Provisions
as to local
education
committees
and trans-
fers.

17. The provisions set out in the First and Second Schedules to this Act relating to local education committees and to the transfer of officers to such committees shall have effect for the purpose of carrying the provisions of this Act into execution.

PART III.

SUPERANNUATION OF TEACHERS.

Superannua-
tion of
teachers.

18. The Department shall, as soon as may be with the approval of the Treasury frame a superannuation scheme applicable to such teachers as shall be prescribed therein, and may grant superannuation allowances and other benefits to teachers in accordance with the provisions of the scheme.

19. The superannuation scheme shall include provision—

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- (i) in the case of every teacher, who, on the prescribed day, is in receipt of a pension under the National School Teachers' (Ireland) Act, 1879, for the continued payment of the said pension.

Provisions
of super-
annuation
scheme.

42 & 43 Vict.
c. 74.

- (ii) in the case of every other teacher to whom the scheme applies—

(a) for the payment on retirement, after attaining the prescribed age, or on retirement in the case of permanent incapacity, of a retiring allowance (which may, if so prescribed, include a lump sum in addition to an annual allowance) not exceeding the prescribed proportion of the average pensionable salary of the teacher calculated in the prescribed manner and subject to such conditions as to nature and length of service as may be prescribed: Provided that a retiring allowance shall not be payable in respect of less than ten completed years of service;

(b) for the payment on retirement, in case of permanent incapacity, after service for a prescribed period of less than ten years, of a gratuity not exceeding the prescribed proportion of the average pensionable salary of the teacher;

(c) for the payment of gratuities to untrained women teachers and junior assistant mistresses, who, having completed not less than six years of service, retire on attaining the age of thirty years or on marrying under that age;

(d) for the payment of a death gratuity calculated in the prescribed manner to the personal representatives or husband, wife, or next of kin of a teacher who dies in service, after completing the prescribed period of service;

(e) for the payment (in addition to any other benefits under the scheme) of deferred annuities of such amounts and subject to such conditions as to age, as may be prescribed to teachers who have contributed to the pension fund, under the National School Teachers' (Ireland) Act, 1879.

A.D. 1919.

Further provisions of scheme.

42 & 43 Vict.
c. 74.

20. The superannuation scheme shall contain such further provisions as appear to be necessary or proper, and in particular may provide—

- (a) for the adjustment or preservation of existing interests under the National School Teachers' (Ireland) Act, 1879, or rules made thereunder;
- (b) for the adjustment of retiring allowances, gratuities, and death gratuities in the case of teachers re-entering the service after retirement therefrom;
- (c) for the retirement from service at a prescribed age of 10 teachers to whom the scheme applies;
- (d) for the refusal, reduction, or suspension of any benefit in the case of any teacher who, in the opinion of the Department, has been guilty of misconduct;
- (e) for the protection of benefits against creditors; 15
- (f) for the payment of benefits to the personal representatives or dependants of a deceased teacher without probate or letters of administration;
- (g) where a benefit is payable to any person who is certified in the prescribed manner to be incapable of managing 20 his affairs owing to mental disability, for the payment of the benefit in whole or in part to the institution or person in whose care he is, or to any of his dependants or relatives;
- (h) for the final settlement by the Department of any 25 question that may arise as to the application of any part of the scheme to any person, or as to the amount of any benefit, or as to the payment, refusal, reduction or suspension of any benefit, or as to the reckoning of any service; 30
- (i) for the making by the Department of rules for carrying the scheme into effect;
- (j) for applying, with such modifications as appear necessary, any provisions contained in any enactment or Order in Council or rules dealing with superannuation. 35

Power to governing bodies to fulfil conditions.

21. Notwithstanding any provisions regulating the trusts or management of a school, the governing body of the school shall have power to fulfil any conditions which may require to be fulfilled in order that employment as a teacher in that school

may be recorded as service for the purposes of the superannuation scheme. A.D. 1919.

22.—(1) The superannuation scheme when framed by the Department shall be forthwith laid before each House of Parliament, if Parliament be sitting, and, if not, then within three weeks after the commencement of the next ensuing session of Parliament, and if neither House of Parliament, within one month, exclusive of any period of prorogation, after the scheme has been laid before it, presents an address praying His Majesty to withhold His assent from such scheme, His Majesty may, by Order in Council, approve of the same. The presentation of an address as aforesaid shall be without prejudice to the making of a further scheme. Approval and effect of scheme.

(2) The scheme may be amended by a subsequent scheme made and approved in like manner.

(3) Any scheme approved by Order in Council under this section shall, as from the date prescribed in such Order, be of the same force as if it were enacted in this Act: Provided that the date so prescribed may, as regards the operation of the whole or any part of the scheme, be a date prior to the date of such Order in Council or to the date of the passing of this Act.

PART IV.

FINANCE.

23.—(1) For the purpose of this Act there shall be established a fund to be under the control of the Department and to be called the Education (Ireland) Fund. Education (Ireland) Fund.

(2) There shall be transferred and paid to the Education (Ireland) Fund—

(a) the income of the Pension Fund established under the National School Teachers (Ireland) Act, 1879, and any investments or money representing surplus income of that fund or accumulations thereof (in this Act referred to as the "Pensions Endowment"); 42 & 43 Vict. c. 74.

(b) an annual sum of fifty-five thousand pounds, being portion of the annual sum of seventy-eight thousand pounds payable out of the Local Taxation (Ireland) Account pursuant to section three of the Local Taxation (Customs and Excise) Act, 1890, and placed at the 53 & 54 Vict. c. 60.

A.D. 1919.

disposal of the Department of Agriculture and Technical Instruction for Ireland by section fifteen of the Agriculture and Technical Instruction (Ireland) Act, 1899, together with any investments or money representing any unexpended balance of the annual sum of fifty-five thousand pounds mentioned in subsection (1) of section sixteen of the said Act of 1899 (in this Act referred to as the "Technical Instruction Endowment"):

(c) the following funds (in this Act referred to as the "Secondary Education Endowment") being funds which, but for this Act, would be administered by the Intermediate Education Board for Ireland, namely:—

(i) the investments and money representing the capital sum of one million pounds provided for the use of the said Board by the Intermediate Education (Ireland) Act, 1878, or representing surplus income of that sum or accumulations thereof;

(ii) the residue of the sums payable annually out of the Local Taxation (Ireland) Account pursuant to section three of the Local Taxation (Customs and Excise) Act, 1890, after payment of the said annual sum of seventy-eight thousand pounds;

(iii) any other investments or sums representing surplus income of the said Board, or accumulations thereof:

(d) the annual proceeds of the secondary education rate.

Payments to
Education
(Ireland)
Fund out of
moneys pro-
vided by
Parliament.

24.—(1) *In respect of the year commencing the first day of April nineteen hundred and twenty, and every subsequent year, there shall be paid to the Education (Ireland) Fund out of moneys provided by Parliament—*

(a) *a sum equivalent to the amount of the sums applicable to education in Ireland shown by the appropriation accounts to have been expended from the parliamentary votes for Public Education, Ireland, and Science and Art, Ireland, in the year ending the thirty-first day of March nineteen hundred and fourteen (in this section referred to as the "standard year"), except so far as such sums represent expenses of general departmental administration (including*

inspection and organisation), or expenses of services in connexion with the following matters, namely:— A.D. 1919.

(i) institutions of science and art, Dublin;

(ii) the geological survey of Ireland;

(iii) annuities and ground rents in respect of training colleges under private management;

(iv) teachers' residences; or

(v) medical treatment of school children:

(b) nine-eighths of the excess of the amount of the sums estimated to be expended in each year from the vote for Education in England and Wales (except so far as such sums represent expenses of general departmental administration, or expenses of services for which, in the opinion of the Treasury, after consultation with the Department, Ireland already receives an equivalent by way of direct contribution or of common benefit) over the amount of the sums shown by the appropriation accounts to have been so expended in the standard year (with the like exceptions):

Provided that if the amount of the sums (with the exceptions aforesaid) actually expended in any year from the vote for Education in England and Wales, as shown by the appropriation accounts, exceeds or falls short of the corresponding estimate, the sum to be paid into the Education (Ireland) Fund under this paragraph in the year commencing on the first day of April next after the day on which such appropriation account is presented to Parliament shall be increased or reduced as the case may be by nine-eighths of the difference between such expenditure and estimate.

(2) In respect of the year commencing the first day of April nineteen hundred and nineteen, there shall be paid to the Education (Ireland) Fund out of moneys provided by Parliament—

(a) a sum equivalent to the excess of the amount that would have been payable to that Fund under the foregoing provisions of this section, had those provisions applied as respects that year; over the

A.D. 1919,

amount of the sums estimated prior to the passing of this Act to be expended in that year from the Parliamentary votes for Public Education, Ireland, Science and Art, Ireland, and Intermediate Education, Ireland (other than sums representing expenses of services in connexion with the matters enumerated in paragraph (a) of subsection (1) of this section); and

(b) a sum equivalent to the general departmental administration expenses of the Intermediate Education Board for Ireland during that year :

10

Provided that a sum equivalent to the amount expended in that year by the Commissioners of Public Works in Ireland on building, maintaining and repairing national schools and teachers' residences, and other current charges in respect of such schools or residences, shall be paid to the said Commissioners out of the Fund as soon as may be after the end of that year.

Application
of Education
(Ireland)
Fund.

25.—(1) So much of the pensions endowment as may be required for the purpose shall be applied in providing deferred annuities under Part III. of this Act for national school teachers who have contributed to the Pension Fund.

20

(2) The technical instruction endowment shall be applied for the purposes of technical instruction.

(3) The secondary education endowment and the proceeds of the secondary education rate shall be applied in or towards the payment of capitation grants to managers of secondary schools and grants for the augmentation of salaries of teachers in secondary schools, or for other purposes of secondary education.

(4) Subject as aforesaid, the Education (Ireland) Fund shall be applied in aid of the supply of primary, secondary, and technical education in accordance with minutes made by the Department after consultation with the Treasury: Provided that if a minute proposed to be made by the Department involves expenditure which would, in the opinion of the Treasury, lead to a deficiency in the Fund, the minute shall not be made except on such conditions and with such modifications as may be approved by the Treasury with a view to preserving the solvency of the Fund.

30

(5) Any balance standing to the credit of the capital or income account of the Fund may be invested or reinvested in manner approved by the Treasury.

40

26. From and after the appointed day the parliamentary grants under section eighteen of the Irish Education Act, 1892, and section two of the Intermediate Education (Ireland) Act, 1914, shall cease to be payable.

A.D. 1919.
Cesser of certain grants.

27. The Department shall prepare, in such form and at such times as the Treasury may direct, accounts of the receipts and expenditure of the Department (including receipts and expenditure of the Education (Ireland) Fund) and within six months after the expiration of the financial year to which the accounts relate shall transmit the same to the Controller and Auditor-General to be audited, certified, and reported upon in conformity with regulations made by the Treasury, and the accounts, with the reports of the Controller and Auditor-General thereon, shall be laid before the House of Commons as soon as may be after the reports are made.

Accounts of Department.

PART V.

GENERAL.

28.—(1) The Department may, for the purpose of the exercise of any of their powers or the performance of any of their duties, cause a public inquiry to be held and appoint a person or persons to hold the inquiry, and any person so appointed shall have all the powers which are conferred on inspectors of the Local Government Board by section two hundred and thirteen of the Public Health (Ireland) Act, 1878.

Public inquiries.

(2) The Department, where it appears to them reasonable that such an order should be made, may order the payment of the whole or any part of the costs of such inquiry by any local education committee or local authority concerned, or by the applicant for the inquiry, or by such of them and in such proportions as the Department may direct, and the order shall certify the amount to be paid by any local education committee, local authority, or other person, and the amount so certified shall, without prejudice to any other method of recovery, be recoverable summarily as a civil debt.

41 & 42 Vict.
c. 52.

29.—(1) The Lord Lieutenant may, by Order in Council, make such incidental, consequential and supplemental provisions as may be necessary or expedient for the purpose of giving full effect to any transfer of powers or duties by or under this Act, including provisions for the transfer of any property,

Adaptations and transitory provisions.

A.D. 1919.

rights, and liabilities held, enjoyed, or incurred by any Government Department or any council or committee for the purpose or by virtue of any powers or duties transferred, and may make such adaptations in the enactments relating to those powers and duties as may be necessary to make the same exercisable by the Department and their officers, or by the local education committee and its officers, as the case may be, or generally for carrying this Act into effect. 5

(2) In connexion with the transfer of powers and duties to the Department or to a local education committee by or under this Act the provisions set out in the Third Schedule to this Act shall have effect. 10

Rules of the
Department.

30. The Department may make rules for prescribing anything requiring to be prescribed under this Act, and generally for the purpose of carrying this Act into effect. 15

Reports of
the Depart-
ment.

31. The Department shall, once in every year as soon as possible after the close of the financial year, make reports to the Lord Lieutenant as to their proceedings under this Act, and all such reports shall be laid before Parliament.

Interpreta-
tion of terms.

32. In this Act, unless the context otherwise requires,— 20

The expression "afflicted children" means children (a) who are either blind or deaf or (b) who, not being imbecile and not being merely dull or backward, are defective, that is to say, by reason of mental or physical defect are incapable of receiving proper benefit from the instruction given in national or other efficient elementary schools, but are not incapable by reason of such defect of receiving benefit from instruction in special schools, or (c) who are epileptic, that is to say, who not being idiots or imbeciles are unfit by reason of severe epilepsy to attend a national or other efficient elementary school; 25

The expression "technical instruction" means technical instruction as defined in section thirty of the Agriculture and Technical Instruction (Ireland) Act, 1899, subject, after the commencement of this Act, to such modifications as are necessary to bring that definition into conformity with the provisions of this Act; 30

The expression "prescribed" in Part III. of this Act means prescribed by a superannuation scheme framed 40

and approved under that Part of this Act, and elsewhere means prescribed by the Department; A.D. 1919.

The expression "national school" means a public elementary day school recognised as a national school by the Department;

The expression "vested school" means a school vested in the Commissioners of National Education for Ireland or in the Department, or vested in trustees by virtue of an instrument to which the Commissioners or the Department are parties, and the expression "non-vested school" shall be construed accordingly;

The expression "existing" means existing or holding office at the appointed day;

Other expressions to which special meanings are assigned by the Local Government (Ireland) Act, 1898, have in this Act the same respective meanings. 61 & 62 Vict. c. 37.

33. The enactments mentioned in the Fourth Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule as from such date or respective dates as may be fixed by Order of the Lord Lieutenant in Council. Repeals.

34.—(1) This Act may be cited as the Education (Ireland) Act, 1919, and shall apply to Ireland only. Short title, extent, and commencement.

(2) This Act shall come into operation on the appointed day, and the appointed day shall be such day as the Lord Lieutenant may by Order in Council appoint, and different days may be appointed for different purposes, and for different provisions of this Act, whether contained in the same section or in different sections, and for different areas or parts of areas, and for different persons or classes of persons.

A.D. 1919.

SCHEDULES.FIRST SCHEDULE.

PROVISIONS AS TO LOCAL EDUCATION COMMITTEES.

Time and
method of
appointing
members.

1. The members of a local education committee to be appointed by the council of a county, county borough, or urban or rural district shall be appointed at such time and in such manner as may be determined by the appointing council, subject to any regulations and directions which may be made or given in that behalf by the Department, and it shall be the duty of every appointing council to act in accordance with such regulations or directions.

10

Disqualifica-
tion.

2. The provisions of subsections (4) to (7) and subsection (11) of Article 12 of the schedule to the Local Government (Application of Enactments) Order, 1898 (which relate to disqualification for membership of county councils and other local authorities), shall apply as respects membership of a local education committee in like manner as if any reference to a council of a county included a reference to a local education committee :

Provided that a person shall not be disqualified by reason only of his being patron or manager of, or holding office in, a school or college aided by the committee.

20

Resignation.

3. A member of a local education committee may resign on giving to the committee one month's notice in writing of his intention so to do.

Meetings.

4. A local education committee shall meet at such times as the conduct of business may require.

25

Chairman.

5. Every local education committee shall, at the first meeting after the triennial appointment, appoint one of their number to be chairman until the first meeting after the next triennial appointment and may appoint a vice-chairman, and should the chairman and vice-chairman be absent from any meeting of the committee the members present shall appoint one of themselves to be chairman of the meeting, and should a vacancy occur in the office of chairman before the first meeting after the next triennial appointment it shall

30

be filled by a new appointment. At every meeting the chairman shall have a casting, as well as a deliberative, vote. A.D. 1919.

6. The quorum of a local education committee shall be one-fourth of the total number of members of the committee. Quorum.

7.—(a) Any local education committee may make arrangements with any other local education committee for co-operation or combination with that committee in the performance of any of their duties or the exercise of any of their powers. Power to co-operate.

(b) Any local education committee and any council by whom members of such committee are appointed may from time to time, with the approval of the Department and the Local Government Board, join in making such arrangements with regard to the conduct and management of business and the distribution of such business among their officers and the joint use of offices or buildings or otherwise as shall seem to them to be most effective and economical.

8. The proceedings of a local education committee shall not be invalidated by any vacancy among the members, or by any defect in the appointment or qualification of any of the members thereof. Validity of proceedings.

9. Minutes of the proceedings of a local education committee shall be kept in a book provided for the purpose, and a minute of such proceedings, signed at the same or the next ensuing meeting by the chairman or by a person purporting to be the chairman of the meeting of the committee at which the minute is signed, shall be received in evidence without farther proof. Minutes.

10. Land required by the local education committee of a county or county borough for the purpose of any of their powers and duties may, and shall, if the Department so direct, be acquired by the council of the county or county borough for and on behalf of the committee under subsections (1) and (2) of section ten of the Local Government (Ireland) Act, 1898, and those subsections shall apply accordingly. Land.

Any land so acquired shall be held by the council in trust for the local education committee, and any expenses of, or incidental to, the acquisition shall be paid as part of the expenses of the local education committee. This article applies to the taking of land on lease or exchange as well as to the purchase of land.

11. A local education committee may sue and be sued in the name of their secretary for the time being, who shall be fully indemnified out of the moneys at the disposal of the committee against all costs, damages, and expenses incurred or sustained by him in consequence of his name being so used. Such proceedings shall not abate by reason of the death, resignation, or removal of the secretary, or by reason of any change in the composition of the committee. Legal proceedings.

12. Accounts of the receipts and payments of every local education committee and of their sub-committees and officers shall be kept and Audits and accounts.

A.D. 1919, made up in such manner and form and to such dates as may be prescribed, and shall be audited by the like officers and in the like manner as the accounts of county councils, and the provisions of any enactments applicable to the audit of accounts of county councils (including provisions which impose penalties or provide for the payment of sums) shall apply accordingly. 5

Regulations and directions of Department.

13. A local education committee shall act in accordance with any regulations and directions that may from time to time be made or given by the Department.

Default in performance of duties.

14. If the Department are satisfied, after such public or other inquiry as they deem necessary, that a local education committee have failed to perform any of the duties imposed upon them or transferred to them by this Act, the Department may make such order as they think necessary or proper for the purpose of compelling the committee to perform their duty, and any such order may be enforced by mandamus, or the Department may make an order appointing some person to discharge the duties of the local education committee or such of those duties as may be specified in the order and thereupon and so long as the order remains in force the powers and duties of the local education committee, or if the order relates to the performance of any specified duty, the powers and duties of the committee so far as respects that duty shall be exercised and performed by the person so appointed instead of by the committee, and the remuneration and expenses of such person as fixed by the Department shall be a debt due by the committee and shall be paid as part of the expenses of the committee. 10 15 20 25

SECOND SCHEDULE.

PROVISIONS AS TO TRANSFER OF OFFICERS TO LOCAL EDUCATION COMMITTEES.

1. Where any powers and duties are transferred by this Act from a council or committee to a local education committee any existing officer of that council or committee employed in or about the execution of those powers and duties and not in any other business of that council or committee shall be transferred to the local education committee. 30

2. Subsection (18) of section one hundred and fifteen of the Local Government (Ireland) Act, 1898 (which relates to the position of existing officers transferred under that section), and Part II. of the Seventh Schedule to that Act (which relates to compensation to 35

existing officers), shall apply in the case of existing officers transferred to a local education committee under this schedule, subject as follows:—

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5 (a) Reference to this Act, to the Department and to a local education committee shall be substituted respectively for the references to that Act, to the Local Government Board and to the county council.

10 (b) The reference to the Acts and rules relating to His Majesty's Civil Service shall be construed as a reference to the Acts and rules in force at the date of the passing of the Local Government (Ireland) Act, 1898.

Any expenses incurred by a local education committee in pursuance of those enactments as so applied shall be defrayed as part of their expenses under this Act.

15 3. Any difference as to whether an officer is or is not transferred under this schedule, or as to the local education committee to which he is transferred, shall be determined by the Department.

THIRD SCHEDULE.

TRANSITORY PROVISIONS.

20 1. In the construction and for the purposes of any Act of Parliament, judgment, decree, order, award, deed, contract, regulation, byelaw, or other document passed or made before the transfer to the Department from any other Government Department of any powers or duties by or under this Act, but so far only as may be necessary for the purpose
25 of such transfer, the name of the Department shall be substituted for the name of the other Government Department.

2. Where anything has been commenced by or under the authority of any other Government Department before the transfer to the Department of any powers or duties by or under this Act, and such thing is
30 in relation to the powers or duties so transferred, such thing may be carried on and completed by or under the authority of the Department.

3. Where at the time of the transfer of any powers or duties by or under this Act any legal proceeding is pending to which any Government Department is a party, and such proceeding has reference
35 to the powers and duties transferred by or under this Act to the Department, the Department shall be substituted in such proceeding for the other Government Department, and such proceeding shall not abate by reason of the substitution.

A.D. 1919.

(4) In connexion with the transfer of powers and duties under this Act from a council or committee to a local education committee of a county or county borough, the foregoing provisions of this schedule shall apply with the substitution of the words "the local education committee" for the words "the Department," and with the substitution of the words "council or committee" for the words "other Government Department" or "Government Department."

FOURTH SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.	10
38 & 39 Vict. c. 82.	The National School Teachers Residences (Ireland) Act, 1875.	In section one the words from "Provided always" to the end of the section.	
41 & 42 Vict. c. 66.	The Intermediate Education (Ireland) Act, 1878.	Sections two, three and four; in section five the words "depend on the results of public examinations of students"; in section six the words "with the approval of the Lord Lieutenant"; the words from "no candidate" to "mentioned in the schedule to this Act"; the word "result" and the words from "All rules made" to the end of the section. Section ten.	15 20 25
45 & 46 Vict. c. 69.	The Intermediate Education (Ireland) Act, 1882.	The whole Act so far as unrepealed.	
53 & 54 Vict. c. 60.	The Local Taxation (Customs and Excise) Act, 1890.	Paragraph (II) of subsection (1) of section three from "amongst schools."	30
55 & 56 Vict. c. 42.	The Irish Education Act, 1892	In section one the words "in every place to which this section applies." In sub-section (1) of section two the words "in any place to which this section applies" and the words from "unless" to the end of the subsection, except as respects children lawfully employed on the appointed day. Section three. Subsection (3) of section four. Sections fifteen and eighteen, and the Third and Fourth Schedules so far as unrepealed.	35 40 45

Session and Chapter.	Short Title.	Extent of Report.
5 63 & 63 Vict. c. 50.	The Agriculture and Technical Instruction (Ireland) Act, 1899.	In section seven, the words "and" " (c) a Board of Technical Instruction." Sections ten and thirteen. In section sixteen, paragraph (e) of subsection (1), and subsection (2). Subsection (3) of section nineteen so far as respects technical instruction.
10 63 & 64 Vict. c. 43.	The Intermediate Education (Ireland) Act, 1900.	In section one, the words from "notwithstanding" to "1890"; the words "with the approval" "of the Lord Lieutenant," and subsection (2); Sections two, four and six.
20 3 & 4 Geo. 5. c. 29.	The Intermediate Education (Ireland) Act, 1913.	Subsection (3) of section one. In section three the words "with" "the approval of the Lord Lieutenant," and subsection (2).
25 4 & 5 Geo. 5. c. 41.	The Intermediate Education (Ireland) Act, 1914.	Section two. In section three the words from "for the purpose of prescribing" "with" to "applied and," and subsection (2).